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### MONTHLY RETROSPECT OF POLITICS.

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A SINGULAR cause has during this month, engaged the courts of law, and agitated the whole country, although not perhaps in a degree equal either to its intrinsic, or its consequential importance. We

can scarcely give this cause a name in the vernacular tongue, without room for obloquy, and we would rather wish it to be concealed from the common eye, in the language of the civil and imperial law. "Rex versus populum." Impartiality is the essence of justice, and the end and purpose of law, is to secure this impartiality of determination, by passing the question through various judicatures. There is in reality one jury on the bench, there are two juries in the box; there is the jury of public opinion, and there is a jury of appeal in the final judgment of posterity. The judges in the box ought to be equally impartial with the judges upon the bench, not only ought *to be*, but ought to *appear* so, in the common judgment of the general people. If the permanent judges have been placed above all suspicion, by possessing their offices during good behaviour, not removable at the pleasure of the crown, it is hard to say why the temporary judges in the box should not be placed equally beyond the suspicion of undue influence, the sway of private interest, or the bias of precarious office.

We think that the preliminary challenge against several of the grand jury, on account of their being possessed of offices under the crown, removable at pleasure, ought to have been made, whether successful or not in the court, because the country and the equity of the community is also sitting in judgment upon the *whole* case. It is not merely a case of law. It is a complicated, consequential case, of which the present issue at law forms but an insignificant part, and which, whatever be the decision, will remain, in all its momentous interest and integrity. The question will still remain in a state of *suspension*, rather than in a prospect of *solution*. With the utmost reverence to judi-

cial authority, we would presume to say, that this case taken *in its magnitude*, is an "*arduum regni*" beyond the cognizance of any compartment in the Hall of the Four Courts; and, *under this view*, the cause is, in the barbarousness of legal latinity, "*coram non judice*."

In respect to the challenge *to the favour*, no accusation was or could be made against the parties supposed to be concerned in dictating a pannel, that the grand jury had been selected in any other than the ordinary way; but may it not be observed, that in a case so rare and singular, and which will be so scrutinized by posterity, there should have been most particular care to obviate objections, and even to have gone *out* of the ordinary way, in order to have silenced all suspicion. There is an observance of the forms of law, that will satisfy the lawyer, but there is a wise and sagacious liberality, an anxious and punctilious decorum, and deference to the general and *unprofessional* feeling on such a subject, which we think ought to have actuated the officers of the crown in the choice of a grand jury, "*omni exceptione majores*," in the *public estimation*.

Such a grand jury might, possibly, have contemplated the question, in all *its grandeur*, not merely as a professional, but as a political question, a question of state, and from their elevated and insulated situation, viewing this matter of state prospectively, as well as retrospectively, might have thought it their superior duty, and paramount obligation, as members of a free community, and inheritors of the bill of rights, to interpose between the aggrieved people, and a passionate act of parliament, and from a full and perfect knowledge of the whole truth, to have *ignor'd* the Bills.

We believe the Attorney General to be a sound lawyer, and what is

better, a good man. Nothing is, indeed, more salutary to the best interests of the country, and the whole empire, than at such critical periods of times, and tempers, that official situations like his should be filled by mild and conciliating characters. It may be concluded, from the whole tenor of his life, and particularly the *political* portion of it, that he is at present truly and strictly *ministerial* in the discharge of his duty, and it is therefore a subject of surprize, that he did not go *out of the way*, in rendering this grand jury free from all exception, not liable merely to the challenge of the traversers in the cause, but to the challenge of public opinion, to the challenge of the future historian. The transient judicatures of grand and petty juries arise out of the people, and quickly again revert into the mass from which they sprung, that there may not be time or opportunity for undue influence, but the intendment of the constitution is often defeated by the permanence of members, composing grand juries, who establish themselves throughout the country in petty parliaments, that often are thought to encroach upon the department of the general government, and are over the people, without being out of the people.

It should be ever kept in mind, that in this whole business, it is in reality one description of people sitting in judgment upon another. No Catholic is on the grand jury, no Catholic will be upon the petty jury—Not even a Catholic lawyer appears at the Bar in the defence. What strong reason for the most delicate and scrupulous impartiality in every circumstance attending the trial of such a cause, in which, of all others, the golden rule of christianity, worth all the sayings of the wise ones in Greece, should regulate the conduct of the Protestant part

of the community. They are judges in what may be deemed their own cause, and it is fervently hoped, that in the verdict of a petty jury, that *STRONG-HOLD* of *COMMON-RIGHT*, the Catholics of Ireland will find an asylum from the pursuit of an intemperate law, continued after the occasion had ceased which gave it birth, and enacted, as the law officers of the crown at the time averred, for totally a different purpose. The privileges which the constitution gives to petty juries are of the largest nature, we may say they are possessed of the *omnipotence* of justice and mercy. They are judges of the whole case in law and fact, in all its bearings, and in all its consequences; and in *extraordinary* cases, and unusual conjunctures, they may be said to judge the law itself in the verdict of truth, and to weigh the real intentions in the scale of justice, without regarding the letter of the statute.

In the late case of Mr. White, proprietor of the Independent Whig, the jury, in their first verdict, acknowledged the libel, yet in their second announcement, returned the verdict of *Not Guilty*, although the judge laid it down as the *unquestionable law* of the land, that the proprietor of every newspaper is responsible for its contents, whether written by himself, or any other person. Yet, in spite of this doctrine established, and recognized as law, by every judge and every lawyer, the jury, notwithstanding, from their view of the whole case, and under their large discretion and responsibility to their God and their country, made this as it were an exception to the general rule, and pronounced upon it the verdict *Not Guilty*. Here then lies the power, if it has the will, to rescue the victim; to form, in the chancery of a wise discretion, and a comprehensive consideration of the whole case,

an exception to the general rule; to make *intention* the interpreter of *fact*; and by a sort of paramount authority, to limit that "summa jus," which is so often "summa injuria." The law is blind, and exceptionless, and often would bring into jeopardy the common-weal, did not a *JURY* in the dictatorship of a comprehensive justice, take care "ne quid detrimenti capiat." Let us then, (23d Inst.), at this distance, pray for *its* providential interposition in the present case, so pregnant with important consequences, and may God, in his mercy to this unfortunate Island, dispose their hearts and their heads to restore to the Catholics the right and power of petitioning, according to the Bill of rights, and thus scatter into confusion all the devices of evil men to create disturbance in the land, whether these men make use of the pretext of *Liberty* or of *Loyalty* to effectuate their insidious and malignant purposes.

It has been said, that on the part of the Crown, challenges have been made to not fewer than two and twenty of the most respectable among the Protestant Citizens of Dublin, who were named for the *Petit-jury*, while not a single challenge was put on the part of the traversers, thus confidently appealing to the justice and liberality of their fellow-citizens, and countrymen. This, we think, is a memorable fact, and in reality, seems in itself, to argue a doubt, and correspondent anxiety on one part, and an honest consciousness of innocence on the other. The challenge made against several of the *Grand-jury* on the ground of having offices held under pleasure, however disposed of in court, will still appear, "in foro cordis" a sound and reasonable objection. But surely the citizens named for the *Petit-*

*jury*, men of good repute; "meritorious" men; truly to be deemed "Probi, Liberi, et Legales;" who have mingled for their life-time with the Catholic community; who have always been, as it were, in their vicinage; and are therefore best enabled to judge of the criminality of intention attributed to them, surely, we say, the challenge of such men seems to imply that the plain, common, citizen-sense of the country is against the prosecutors in this cause. If such honest and honourable Protestant Citizens, who are in reality representatives of the sound and uninfluenced public opinion, be excluded from all power of giving a judgment in a case which is of such consequence to the tranquillity and good order of the land, from having in conversation expressed themselves favourable to the justice of the Catholic claims, or from having frequent intercourse with the Catholics in the common offices of life, and therefore forming a just estimate of their importance in the community, and their adequate rank in the political state, if men are peremptorily challenged upon such grounds, it can only accelerate the combination and consolidation of Protestants and Catholics, in a cause which from being partial is daily becoming common, and must, by this very means, finally prevail.

But, at this moment, we hear that the JUDGMENT OF THE COUNTRY is expressed by a verdict of NOT GUILTY. The jury, that distinguishing glory of the constitution; have, in their construction of the convention act, acquitted the Catholics of Ireland of deceitfully designing a plot, under colour and pretence of a petition. As men of peace, and lovers of good order, we thank them, not with the shout-

and the huzza, but in the silence and sincerity of the heart, and from the bottom of our hearts, we do believe, that they have done more, by two words, in reconciling, conciliating, and tranquillizing the minds of millions about to fall into estrangement and distraction, more, we say, by two dictatorial words, than would have been done by twenty thousand men with arms in their hands, and with no "compunctious visitings" in their hearts. While the people have thus a resource left in a jury responsible and responding to their God and their conscience, high and powerful mediators between government and the country, there is no fear of disaffection, there is no danger of disturbance. There is a self-rectifying power in the constitution which starts forth, in all its blessedness, when most wanted, and changes to hope and confidence, a despondence that bordered upon despair. We know not whether such a being as PUBLIC OPINION is recognized in the Law-books, or the Rolls of Parliament, but we cannot help remarking, that whenever *its* authority seems to be growing obsolete, and *its* power contemned, this Personage suddenly rises with all its attributes of justice, power, and mercy; and while the lawyer, like Aladdin, is scouring his dirty lamp, the majestic Genius of the constitution appears and appals him with unexpected splendour.

We therefore repeat ("et decies repetita, placebit") that such a jury is the great safety, and citadel of the British Constitution, a jury that can comprehend the whole policy as well as the legality of a great, and consequential cause brought before them. They did not scrutinize the different acceptation of words, and lose themselves in the labyrinth of legal defini-

tion. They did not call for Doctor Johnson's Dictionary into the jury-box, but took a large view of the subject from centre to circumference, a view prospective as well as present; in consequences extending to posterity, in extent commensurate to the island. And understanding the law so as not to invalidate the constitution, these, the representatives of public opinion, brought in their verdict, their "word of truth"—Not Guilty. Whether the Catholics appointed Delegates, or Representatives; whether Pretence and Purpose was different in meaning, or synonymous, they do not say; but the verdict acquits them of evil intention, and we are now to conclude that the assembled committee was solely for the purpose of petitioning.

But why, says the attorney general, is it necessary that you should meet merely to draw up a petition. No certainly. Such a paper is generally drawn up by one person better than by any number. But the whole difficulty is how to gain the *concurrence of the whole Catholic community*, which can alone give virtue and validity to such a petition, without the expedient of delegation. The demand in Parliament is—Let us be certain of the sense of the Catholic community. How then is this to be ascertained, but by delegation, or by aggregation; the first, peaceful and constitutional; the other, turbulent and revolutionary. The truth is, that unnatural and violent attempts to restrain men in the exercise of their common rights, are almost always defeated in the end, by the re-agency of human nature sharpened by necessity; and thus the convention act, has really produced, rather than annihilated such assemblages. Whatever is seditious, whatever is treasonable, that may dare to show

itself in such meetings, the law is powerful enough to crush either the speech or the action. Plot and conspiracy are never to be found in the sun-shine of these large delegations. When the period and power of petitioning have *ceased*, THEN is the time to stand upon guard throughout the day, and throughout the night against plot and conspiracy. These spectres vanish, even while we are writing, before the verdict of a wise and virtuous jury, and had not that verdict, that providential verdict, been given, is there no reason to fear that this unhappy country would have experienced the anxieties and terrors of insurrectionary times? The verdict has recalled the alienated mind, restored it to hope, and brought the people home to the constitution. A Dublin Jury has done this, and for this, the benediction of their country is upon them.

Some circumstances worthy of attentive consideration, came out during the course of the trial. Justice Day spoke against *Scribblers and Printers*, and denounced the mischievous advocates of civil and religious liberty, as having introduced themselves into the Catholic meeting. Yet on another occasion he made some amends for this declaration against the liberty of free inquiry, by asserting from the bench, that the oath of an Orangeman was illegal, and if the act would be proved, subjected those who took or administered the oath to a prosecution. It is consolatory to have an opinion which has been frequently pronounced in the course of these retrospects, sanctioned from such authority. We have uniformly declared our settled judgment, that the system of Orangemen was not only illegal, but impolitic and unjust. Yet at the present moment this desperate faction is using

every means to collect their scattered forces, and to regain the powers of misleading the public mind, which, unhappily for the good of the public, they on former occasions so greatly abused. To their previous exasperations much of the ferocity displayed on a few occasions, by the insurgents in 1798, may be fairly attributed. Their activity in every place within the sphere of their influence is now great. A curious specimen of the temper which actuates this body, although on a smaller scale, occurs in the manifesto publicly posted up in Lisburn, a copy of which is given at page 417, among the documents. They have *honoured* us with their disapprobation. We rejoice that we have been found to deserve well of our country, by our opposition, to a system, which by disunion, seeks to promote the sinister ends of a party, and perpetuates their dishonest gains arising from the claims of exclusive loyalty.

A cry of danger has been raised, as if the County of Down was seriously agitated. We doubt the existence of the fact, and we consider ourselves borne out in this hesitation, by the address from the magistrates of that county. At their late meeting, the spirit of conciliation seems to have had the ascendancy, and the schemes of the grand agitators of the country, have for the present been frustrated.\* There may have been nightly outrages. None can condemn such aggressions more than we do, or regret that they should have any place in the

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\* Yet the phrase concluding the Down resolutions, deserves to be noticed, "and to protect the lives, liberties and properties of the people whom his majesty has entrusted to our care." Is this the case; are the liberties of all the people of Down County, entrusted to the gentlemen of the Down Hunt, and has his majesty been empowered

industrious North. But if the business were sifted into with impartiality, it would probably be found to extend no farther than to some anti-masonic and anti-orange associations, produced by an antagonist opposition, and merely one party formed against another, with little or nothing of a political nature, to the endangering of public safety. The true lover of peace is however opposed to all outrages, whether committed by Orangemen, or their opponents, and sincerely desires the speedy suppression of all illegal associations, and the rule only of the laws. Firmness and moderation on the part of the magistrates will probably soon repress the temporary outrages of the Threshers. Let justice hold an even and impartial hand, and punish crimes without distinction of party motives. These commotions in Down resemble a trifling disease, like a cutaneous eruption, which a few mild alteratives may speedily and safely cure, but the austere remedies of violent quacks are to be deprecated by all lovers of peace, and of true social order.

The Orange may now be said to be fairly down in public estimation. Even Lord Castlereagh at the meeting of the magistrates of Down condemns the system, and declares he has banished it from the Derry Militia, of which he is Colonel.

It appears probable that many specres are conjured up to alarm the timid, both here and in Britain, for the purpose of rendering them unpropitious to the cause of Catholic Emancipation. The agitators

and alarmists fear that they are losing the hold they formerly possessed, of rendering the majority of the people dupes to their schemes of alarm. One desperate effort is to be made to prop the tottering cause; and attempts at insurrection existing in Ireland, are to be proclaimed through the empire. Persons in private life have been known, who from weakness have imagined, or who from wickedness have feigned, that they saw ghosts and hob-goblins. "Conscience makes cowards of us all." These political *ghost-seers* knowing the state of their own hearts, and their animosities to those of a different party in religion and politics, have their fears raised.

"They hear a voice, that none can hear,  
"That says they must not stay,  
"They see a hand, that none can see,  
"That beckons them away."

Let such be permitted to enjoy their actual or pretended dreams, but let the people beware, and not be led to oppose the cause of justice and sound policy by these artifices. These schemes are principally intended to give a colourable pretext to resist the claims of Catholic emancipation. To serve this purpose, they are conjured up; and we fondly hope they will soon be laid by the wand of truth. The touch of Ithuriel's spear will dissipate the illusion.

The bad policy of oppressive measures, and their re-action on their promoters, may be exemplified by a recent circumstance. A man of the name of O'Finn was banished from this country in 1796 or 1797. He appears to have been one of those victims of the arbitrary measures of Lord Carhampton, by which many, without legal trial, were hurried out of the country, at first to the fleet, previously to the mutiny, which taught the necessity of more caution, and afterwards many were

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by the legislature to give over their trust, this trifling trust of Life, Liberty and Property to their care! Is not this an assumption of power beyond the law, of which they are only the ministers and servants, not the trustees?



transmitted to the King of Prussia. Some of these men found employment in their original occupations in the linen-manufactures of Silesia, the real and formidable rivals to Ireland; and others going into the Prussian army, were afterwards on the the subjugation of that country, enrolled in the legions of France. This man, in a late battle, after fighting furiously, but being overpowered by a vast superiority of numbers, refused to receive quarter, and sold his life very dearly, exclaiming with his last breath, "I am an Irishman, and I die revenged!" May the advocates for harsh measures, and "rigour beyond the law," receive a salutary caution from this example of the lengths to which desperation, and a sense of injuries, can carry the human mind.

An interesting letter from Earl Stanhope to Major Cartwright is given at page 416. He declines to attend public meetings, or to resume a state of activity, "till he can see day-light of some kind."

The advocates of intolerance in England since the rejection of Lord Sidmouth's bill, by the house of Lords, as they cannot act in the gross, are doing what they can in detail. The public papers give frequent accounts of magistrates at quarter-sessions, throwing obstacles in the way of applications under the toleration act, for licensing Dissenting Preachers.

Our foreign warfare shows no favourable aspects. Ciudad Rodrigo was relieved in spite of the exertions of Lord Wellington, to prevent the motions of a superior French army, which yet immediately retires after performing the allotted service, and in the conclusion of his despatches, the Duke of Ragusa assigns as the reason of the precipitate retreat, "that the moment had not yet come, which is fixed for

the catastrophe of the English." Bonaparte seldom indulges in the weakness of little minds, by dealing in empty threats, but in most cases finds means to accomplish what he designs. The affair of General Hill will have no material tendency to procrastinate the catastrophe, which when British blood and treasure have been sufficiently wasted, will probably furnish the conclusion to British possession in the Peninsula. The fondly assumed ideas that the Peninsula formed the outwork and guard of the British Empire, and that these armies would be trained for home defence in the dernier resort was extremely falacious. The mighty expenditure thus wasted, should be reserved for the time of need, and the many who have found graves in those ill-fated countries, in the course of the impolitic contest, cannot rise again to be the defenders of our domestic hearths in case of the threatened invasion. War is now a compound question of finance and numbers, and in both these cases, a superior population has great advantages. With such a fearful odds against us, cautious statesmen would especially study to economize the means of Britain, and if not from motives of humanity, at least from policy, be very cautious of exposing armies to worse than useless foreign expeditions.

From the commencement of the Spanish business in 1808, to some, the talk of *Spanish Patriotism* appeared a most delusive day-dream. Consistently with the limited notions, which have generally characterized the Spanish leaders in their struggles, we find the resolution of the Inquisition is seriously debated in the Cortes. The people indignant at this attempt to revert again their chains, pursue the guilty proposer, who takes refuge in the British fleet. If the asylum thus afforded, is only allowed from a prin-

ciple of humanity to save a guilty person from precipitate summary punishment, as friends to humanity we cannot object. But throughout the Spanish struggle, we have regretted to behold the British support, too often on the side of preserving old abuses, while the French have acquired popularity by lending their aid to abolish the inquisition, and softening their usurpation by the correction of abuses.

As a proof of the inefficacy of the subscription for the relief of the Portuguese sufferers, we may give the following extract, in a letter to the commissioner for the distribution of this fund.

The Bishop of Guarda says, "that there are 70,000 persons in absolute want of assistance in his diocese; and that of the 156,000 souls of both sexes, in his 206 parishes, it is certain that few individuals of this bishoprick are exempt from the necessity of relief; but it is equally certain, that in distributing the above sum (that assigned for his bishoprick) in equal shares, each person would receive 53 reas. This succour of 53 reas to each person *would scarcely procure a piece of bread to satisfy hunger for once!*" What a drop in the ocean. Yet many thought they were acting meritoriously, in thus contributing their magnificent aid, and rejoiced to see their names pompously displayed in the newspapers, as contributors to this fund.

Thus vanity deludes its votaries. Much more good would be done by raising a strong voice in favour of peace. While the war continues, such contributions only mock the victims of its destructive ravages. Humanity would indeed triumph, if an end would be put to the contests, which produce those agonizing sufferings. In addition to the cruel sufferings of the Portuguese na-

tion, inflicted by both the hostile armies, our own army is reported to suffer heavily from disease. The rains in Portugal are said to affect those who have scarcely recovered from the lingering effects of the Walcheren remittent.

Miranda so far appears to go on honestly and successfully in the cause of South American independence. The friends of liberty look with hope, mingled with much anxiety, to this quarter of the world, and contemplate the progress of the impending revolution with much interest. The friends to freedom have a concern in the struggles of nations however distant, and are ready to say with Franklin, "Where liberty dwells, there is my country."

The decision of the Congress of the United States, is anxiously looked for, whether for peace or war. The report of the proceedings of Congress may soon be expected.

The Turks and Russians, fit rivals as far as the congeniality of uncivilized barbarism extends, and the people of colour in Domingo, continue their contests with as much fierceness, as those who boast of higher civilization. War is not only the delight of the savage, but is also the opprobrium of our defective civilization.

In our retrospective, as in our prospective views, we are said to be much too desponding, and have obtained the title of political-croakers. "*Sœpe sinistra cava prædixit ab ilice cornix.*" This may be in some degree true, but it is less our personal fault, than our political misfortune. While the government of these countries is so administered as to impair their power, lessen their liberties, and tarnish their glory; while the constitution is darkened and dishonoured, its face hid, and its blessings intercepted from an integral portion of the people; while

the conditions of the Union-compact remain to be performed, and the capitulation of the national independence, like the capitulation of Limerick, is misinterpreted, and perverted for the purposes of party; while the revenues of the empire are squandered abroad, and its true resources in the hearts of the whole people, are neglected and despised; while so many orders of men are inveigled by short-sighted views of private and personal interest, into an abandonment of the commonweal, and a blind approbation and support of a war, which, besides the distresses peculiar to war, presses upon all the hopes and prospects of these nations, and endangers not merely their prosperity, but their existence; in short, while the Catholics are, with bigotted obstinacy, excluded from their just share of political power, and the people at large from their constitutional controul over the Commons House of Parliament, we must continue to speak in terms of deep despondence. Our hopes from the PRINCE REGENT yet save us from despair.

#### SUBSCRIPTIONS FOR PETER FINNERTY.

*The following Subscription has been received this month.*

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From two Friends to the Liberty of the Press.....	1	0	0

#### DOCUMENTS.

##### COUNTY OF DOWN.

*At a General Meeting of the Magistrates of said County, held at Downpatrick, 22d November, 1811, pursuant to public notice—*

The EARL LONDONDERRY, Governor, in the Chair.

The following Resolutions were unanimously agreed to:

1st.—That we have reason to believe that attempts have been lately made in some districts of the County (although we

trust with very limited success) to engage the lower orders of the people in illegal associations, which may, if persisted in, fatally disturb the public peace of this County. That in pursuance of this purpose, nightly meetings have been held, illegal oaths administered, and attempts made to compel the timid to join in these associations.

2d.—That in mercy to the ignorant and deluded, who have been or may hereafter be urged to join in those associations, we deem it our duty, as Magistrates, thus early to warn them of the danger to which they will expose themselves, their families and their properties, by engaging in such practices.—We trust, that by awakening them to a just sense of that danger, whilst the mischief is yet partial and circumscribed, that they, in common with all orders of the community, may be aroused to a sense of the necessity of supporting the laws, and of repressing such dangerous attempts to disturb the public peace.

3d. That at all times solicitous by timely admonition, to prevent the commission of offences, we earnestly hope, as Magistrates, we may be saved the painful task of bringing the criminal to punishment; but it is our duty explicitly to declare to all classes and descriptions of the people, that if this our solemn warning and remonstrance is neglected, we shall feel it our bounden duty to act with promptitude and decision in bringing these offenders to justice, whom lenient measures cannot reclaim. We call upon the people of every description, laying aside all religious distinctions, and animosities, to live in harmony amongst themselves—to look up to the laws and to the magistrates for protection, and not to be deluded into the belief, that either their personal safety or welfare can be promoted, by associating themselves in any of those illegal combinations, which have, at various times, and under various pretexts, disgraced, and disturbed different parts of Ireland, but from the calamities of which this county has been peculiarly exempt. They may rely on our administering the laws with mildness, and with perfect impartiality to all orders and denominations of the community; none shall be regarded by us as object either of distrust or favour; we shall do our duty conscientiously and faithfully by all; and we call for, and confidently expect, to receive the support of every good man in our exertions to pre-